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IN THE COURT OF THE ASSISTANT COMMISSIONER OF ENDOWMENTS
BHUBANESWAR

ORDER

The 11th October 2012

Present : Shri Jibanananda Padhy, O.J.S.(I),
Assistant Commissioner of Endowments,
Bhubaneswar.

In the matter of Shree Lord Lingaraj Mohaprabhu, At Old Town, P.O. Bhubaneswar, P.-S. Lingaraj,
District Khurda.

O. A. No. 2 of 2003 under Section 42 of the O.H.R.E. Act, 1951

No. 106—This petition having come on for final disposal before the Assistant Commissioner of Endowments, Bhubaneswar, it is hereby ordered as follows :—

Whereas, the Assistant Commissioner of Endowments is satisfied that the institution of Shree Lord Lingaraj Mohaprabhu, At Old Town, P.O. Bhubaneswar, P.-S. Lingaraj, District Khurda needs modification in the scheme that has been published in the Gazette in the year 1969, dated the 20th November 1969. He, after consultation with the trustees and persons having interest feels that a scheme is necessary for better and effective management of the institution and hereby settles the following scheme of administration under Section 42 of the O.H.R.E. Act, 1951.

MODIFIED SCHEME

1. The modified scheme shall come into force at once
2. In the scheme if not inconsistent with the content the Act means the Odisha Act II of 1952 as amended from time to time the word 'net income' means the income remaining or expenditure after payment of Zamindary, Government and other public dues such as contribution, Audit charges and if there are any loans payable 15% of the same and all other words and expressions used herein shall have the respective meanings assigned to them in the Act.
3. The said temple with its Endowments shall be administered by a Board of Trustees not exceeding in nine in number, out of whom three shall be from Sebaks of the institution and the rest

from general public to be appointed by the Commissioner of Endowments, who shall hold office for such period not exceeding three years as may be fixed by the Commissioner. The appointment trustees from among the Sebaks shall be in the following manner :—

One from Mahasuara Sebaks,

One from Puja Panda Sebaks,

One from Badu Sebaks,

Any vacancy in respect of trustee of any class of Sebaks shall be filled up by taking a member of the particular class of Sebaks. The trustees out of each class of Sebaks shall be in charge of timely and proper performance of Sebapuja of the deity allotted to the respective class of Sebaks.

4. The Board of Trustees shall be a body corporate and all suits and proceedings by or against the said Board shall be conducted in the name of an Executive Officer on behalf of the said Board.

5. ILLEGIBLE

6. Any vacancy or vacancies occurring in the office of any of the trustees during or at the end of the said or subsequent period shall be filled up by the Commissioner.

7. The members of the Board shall elect a president from among themselves.

8. Every meeting of the Board shall be presided over by the president and in his absence by a member chosen by the meeting to preside for the occasion.

9. (a) The meeting of the Board shall be convened by the president on giving adequate notice to the other members.

(b) If the president fails to convene a meeting of the Board for three consecutive months from the date of the last meeting, at least two members of the Board may conduct the meeting.

(c) The quorum for a meeting of the Board shall be ordinarily five.

10. The Board shall meet at least once in a month within the premises of the institution for passing the accounts of the previous month and for sanctioning the necessary expenditure and for considering any other matter connected with the management of the institution.

11. All questions arising at meeting of the Board shall be decided by a majority of votes of the members present there at and in every case of equality of votes, the president or the persons presiding shall have and exercise a casting vote.

12. ILLEGIBLE

13. Subject to the provisions of this scheme and to the control of the Board, the Executive Officer shall manage the properties and affairs of the temple and arrange for the conduct of the daily worship and ceremonies and of festivals of the temple according to usage.

14. (a) The Executive Officer shall be appointed by the Commissioner

(b) The Commissioner may remove, suspend, dismiss or fine and reduce the Executive Officer for neglect of duty, breach of trust, incapacity, misconduct, disobedience or lawful orders or other sufficient cause.

(c) The E.O. shall be a whole time officer of the temple and shall not undertake any work unconnected with his office without the permission of the Commissioner.

(d) He shall paid out of the funds of the temple such salary as may from time to time be fixed by the State Government.

(e) He shall furnish a cash security as may be fixed by the Endowment Commissioner

(f) One Additional Executive Officer is to be created in order to look after the land matters/ revenue and administration, supervision of temple, daily Nity Kanti/Welfare of the devotees with the assistance of different Sevaks usually to be appointed from O.A.S. service from Revenue Department. Appointment of Additional Executive Officer is to be done by Commissioner of Endowments, Odisha, Bhubaneswar. The Additional Executive Officer shall be paid out of the funds of the temple which shall be fixed from time to time by the State Government. He shall also furnish the cash security as fixed by Commissioner of Endowments.

15. The E.O. shall be responsible for the custody of all records and properties including cash and valuables of the temple and shall arrange for the proper collection of the offering made in or at the temple.

16. Subject to the approval of the Board the Executive Officer,—

- (i) may lease out the lands and buildings of the temple which are ordinarily lease out ;
- (ii) may call for tenders for works or supplies and accept such tenders provided for in the budget for the year or in the proceedings of the meetings.

And the immediate execution or doing of what in his opinion necessary for the preservation of the properties of the temple or for the service or for the safety of the pilgrims resorting to the temple or for the due discharge of the Seba and Puja of the deities in the temple and may direct that the expenses of executing such works or doing the act shall be paid from the funds of the temple.

17. The E.O. may make temporary provision if and when necessary for the carrying on the duties of a hereditary office if they are not executed by such office holder either wilfully or due to his death or absence. The matter shall be reported to the Board at the next meeting.

18. (a) The E.O. may fine, reduce, suspend, remove or dismiss any non-hereditary servant of the temple for neglect of duty, breach of discipline, carelessness or other misconduct.

(b) The servant so punished may appeal to the Endowment Commissioner within a week of the date of communication of the order of punishment and the Endowment Commissioner decision shall be final.

19. The Board may fine, suspend, remove or dismiss any of the hereditary office holders and servants including the Sebaks for breach of trust, incapacity, disobedience of lawful order, neglect of duty, misconduct or other sufficient cause.

20. The Board shall take necessary steps to recover the temple lands from whomsoever in possession thereof, from all encumbrances created by them or any persons claiming under them, if necessary by filing suit.

21. The expenditure to be incurred on daily services and festivals shall be in recordance with a Dittam (the scale of expenditure) which shall be prepared and submitted for the approval of the Commissioner.

22. If the Ditta, for the time hearing in force exceeds 60 per cent of the net income of the institution it shall be modified in accordance with Section 31 of the Act.

23. The establishment charges shall not exceed 22 $\frac{1}{2}$ % of the net income of the institution without the previous sanction of the Commissioner, should the present charges exceed the said limits they should be at once retrenched.

24. (i) The E.O. shall in every year prepare in the prescribed form, budget estimate of the receipts and expenditure of the temple for the following year and place it before the Board who may furnish it to the Commissioner with the recommendation, if any for approval.

(ii) Copies of the budget (Illegible) by the Board shall be sent to the Commissioner before two months preceding the last month of the fasali year.

25. The Budget shall provide for a sum of not less than 5% of the net income of the institution for the purpose of effecting petty repairs and white washing annually and an equal sum of a per cent to be set apart for charity.

26. The budget shall also provide for a sum of 5% to be set apart as a reserve fund to be utilised for any capital construction with the approval of the Commissioner.

27. The balance of 5% shall be kept as reserve fund for meeting any unforeseen liabilities

28. The Board shall on or before the 31st August in each year submit to the Commissioner an income return for the purpose of assessment of contribution.

29. The Board shall submit to the Commissioner a Register of Endowment as required under Section 19 of the Act.

30. The Board shall prepare after enquiry a list of all specific endowments of Lord Lingaraj Temple, with particulars to the name of the grant, the name of the trustees, the object to the grant, its date and other relevant facts.

31. By the 1st November in each year the Board shall submit to the Commissioner a report of the administration of the institution and the endowment during the preceding year briefly indicating the improvements effected to the institution and its financial position.

32. The account of the institution shall be audited every year by an approval auditor appointed by the Commissioner for the purpose.

33. The Board may delegate to the E.O. such of its power duties or facts as may be provided by the Act and rules made thereunder.

34. If for any reason the Board does not properly function, the Executive Officer shall manage the institution under the instructions of the Commissioner.

35. The president of the Board shall take upon himself the function of the Executive Officer in the letter absence either on leave or otherwise.

36. All offerings in cash or kind or livestock made to Shree Lord Lingaraj shall form part of the Endowment of Shree Lingaraj and the Board shall take possession of the same.

37. In the management of the affairs of the institution the preparation and submission of the tittam (or scale of expenditure) and the annual budget the maintenance of the accounts, the investment surplus funds, the incurring of loan and alienation of the lands of the institution, the Board shall be bound by the provision of the Act, the rules duly made or deemed to be made thereunder and all such lawful directions as may be issued by the Commissioner from time to time.

38. Save in so far as expressively provided therein the Board of Trust shall have all the right and powers and shall discharge all the duties provided by the said Act, rules made thereunder.

39. Any doubt of ambiguity arising out of any of the aforesaid provision of the Scheme shall be decided by the Commissioner and such decision shall be final.

Previous Scheme modified vide Order No. 106, dated the 11th October 2012 in O.A. No. 2 of 2003 under Section 42 of Shree Lord Lingaraj, Old Town, Bhubaneswar, Khurda.

Pronounced in the Open Court

Dictated and corrected by me

JIBANANANDA PADHY

Asst. Commissioner of Endowments
Bhubaneswar

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Asst. Commissioner of Endowments
Bhubaneswar
